



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB5563

by Rep. Anna Moeller

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/2A-41	from Ch. 46, par. 2A-41
10 ILCS 5/7-12	from Ch. 46, par. 7-12
70 ILCS 2405/3	from Ch. 42, par. 301

Amends the Election Code. Provides that the trustees for the Fox River Water Reclamation District will be elected at consolidated elections. Provides that where a nomination for election is to be made for a trustee of the Fox River Water Reclamation District, then the petition shall be filed in the office of the county clerk not more than 113 nor less than 106 days prior to the date of the primary. Amends the Sanitary District Act of 1917. Provides that the board of trustees of the Fox River Water Reclamation District shall be elected (rather than appointed) beginning with the 2019 election. Sets forth requirements concerning the number of trustees to be elected and length of terms. Effective immediately.

LRB100 20092 AWJ 35375 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Election Code is amended by changing  
5 Sections 2A-41 and 7-12 as follows:

6 (10 ILCS 5/2A-41) (from Ch. 46, par. 2A-41)

7 Sec. 2A-41. Sanitary District - Trustee - Time of Election.

8 A trustee of a Sanitary District which elects its trustees,  
9 other than the Metropolitan Sanitary District of Greater  
10 Chicago or the Fox River Water Reclamation District, shall be  
11 elected at the general election in each even-numbered year  
12 which immediately precedes the expiration of the term of any  
13 incumbent trustee, to succeed each incumbent trustee whose term  
14 ends before the following general election.

15 (Source: P.A. 80-936.)

16 (10 ILCS 5/7-12) (from Ch. 46, par. 7-12)

17 Sec. 7-12. All petitions for nomination shall be filed by  
18 mail or in person as follows:

19 (1) Where the nomination is to be made for a State,  
20 congressional, or judicial office, or for any office a  
21 nomination for which is made for a territorial division or  
22 district which comprises more than one county or is partly

1 in one county and partly in another county or counties,  
2 then, except as otherwise provided in this Section, such  
3 petition for nomination shall be filed in the principal  
4 office of the State Board of Elections not more than 113  
5 and not less than 106 days prior to the date of the  
6 primary, but, in the case of petitions for nomination to  
7 fill a vacancy by special election in the office of  
8 representative in Congress from this State, such petition  
9 for nomination shall be filed in the principal office of  
10 the State Board of Elections not more than 85 days and not  
11 less than 82 days prior to the date of the primary.

12 Where a vacancy occurs in the office of Supreme,  
13 Appellate or Circuit Court Judge within the 3-week period  
14 preceding the 106th day before a general primary election,  
15 petitions for nomination for the office in which the  
16 vacancy has occurred shall be filed in the principal office  
17 of the State Board of Elections not more than 92 nor less  
18 than 85 days prior to the date of the general primary  
19 election.

20 Where the nomination is to be made for delegates or  
21 alternate delegates to a national nominating convention,  
22 then such petition for nomination shall be filed in the  
23 principal office of the State Board of Elections not more  
24 than 113 and not less than 106 days prior to the date of  
25 the primary; provided, however, that if the rules or  
26 policies of a national political party conflict with such

1 requirements for filing petitions for nomination for  
2 delegates or alternate delegates to a national nominating  
3 convention, the chairman of the State central committee of  
4 such national political party shall notify the Board in  
5 writing, citing by reference the rules or policies of the  
6 national political party in conflict, and in such case the  
7 Board shall direct such petitions to be filed in accordance  
8 with the delegate selection plan adopted by the state  
9 central committee of such national political party.

10 (2) Where the nomination is to be made for a county  
11 office or trustee of a sanitary district or the Fox River  
12 Water Reclamation District, then such petition shall be  
13 filed in the office of the county clerk not more than 113  
14 nor less than 106 days prior to the date of the primary.

15 (3) Where the nomination is to be made for a municipal  
16 or township office, such petitions for nomination shall be  
17 filed in the office of the local election official, not  
18 more than 99 nor less than 92 days prior to the date of the  
19 primary; provided, where a municipality's or township's  
20 boundaries are coextensive with or are entirely within the  
21 jurisdiction of a municipal board of election  
22 commissioners, the petitions shall be filed in the office  
23 of such board; and provided, that petitions for the office  
24 of multi-township assessor shall be filed with the election  
25 authority.

26 (4) The petitions of candidates for State central

1           committeeman shall be filed in the principal office of the  
2           State Board of Elections not more than 113 nor less than  
3           106 days prior to the date of the primary.

4           (5) Petitions of candidates for precinct, township or  
5           ward committeemen shall be filed in the office of the  
6           county clerk not more than 113 nor less than 106 days prior  
7           to the date of the primary.

8           (6) The State Board of Elections and the various  
9           election authorities and local election officials with  
10          whom such petitions for nominations are filed shall specify  
11          the place where filings shall be made and upon receipt  
12          shall endorse thereon the day and hour on which each  
13          petition was filed. All petitions filed by persons waiting  
14          in line as of 8:00 a.m. on the first day for filing, or as  
15          of the normal opening hour of the office involved on such  
16          day, shall be deemed filed as of 8:00 a.m. or the normal  
17          opening hour, as the case may be. Petitions filed by mail  
18          and received after midnight of the first day for filing and  
19          in the first mail delivery or pickup of that day shall be  
20          deemed as filed as of 8:00 a.m. of that day or as of the  
21          normal opening hour of such day, as the case may be. All  
22          petitions received thereafter shall be deemed as filed in  
23          the order of actual receipt. However, 2 or more petitions  
24          filed within the last hour of the filing deadline shall be  
25          deemed filed simultaneously. Where 2 or more petitions are  
26          received simultaneously, the State Board of Elections or

1 the various election authorities or local election  
2 officials with whom such petitions are filed shall break  
3 ties and determine the order of filing, by means of a  
4 lottery or other fair and impartial method of random  
5 selection approved by the State Board of Elections. Such  
6 lottery shall be conducted within 9 days following the last  
7 day for petition filing and shall be open to the public.  
8 Seven days written notice of the time and place of  
9 conducting such random selection shall be given by the  
10 State Board of Elections to the chairman of the State  
11 central committee of each established political party, and  
12 by each election authority or local election official, to  
13 the County Chairman of each established political party,  
14 and to each organization of citizens within the election  
15 jurisdiction which was entitled, under this Article, at the  
16 next preceding election, to have pollwatchers present on  
17 the day of election. The State Board of Elections, election  
18 authority or local election official shall post in a  
19 conspicuous, open and public place, at the entrance of the  
20 office, notice of the time and place of such lottery. The  
21 State Board of Elections shall adopt rules and regulations  
22 governing the procedures for the conduct of such lottery.  
23 All candidates shall be certified in the order in which  
24 their petitions have been filed. Where candidates have  
25 filed simultaneously, they shall be certified in the order  
26 determined by lot and prior to candidates who filed for the

1 same office at a later time.

2 (7) The State Board of Elections or the appropriate  
3 election authority or local election official with whom  
4 such a petition for nomination is filed shall notify the  
5 person for whom a petition for nomination has been filed of  
6 the obligation to file statements of organization, reports  
7 of campaign contributions, and annual reports of campaign  
8 contributions and expenditures under Article 9 of this Act.  
9 Such notice shall be given in the manner prescribed by  
10 paragraph (7) of Section 9-16 of this Code.

11 (8) Nomination papers filed under this Section are not  
12 valid if the candidate named therein fails to file a  
13 statement of economic interests as required by the Illinois  
14 Governmental Ethics Act in relation to his candidacy with  
15 the appropriate officer by the end of the period for the  
16 filing of nomination papers unless he has filed a statement  
17 of economic interests in relation to the same governmental  
18 unit with that officer within a year preceding the date on  
19 which such nomination papers were filed. If the nomination  
20 papers of any candidate and the statement of economic  
21 interest of that candidate are not required to be filed  
22 with the same officer, the candidate must file with the  
23 officer with whom the nomination papers are filed a receipt  
24 from the officer with whom the statement of economic  
25 interests is filed showing the date on which such statement  
26 was filed. Such receipt shall be so filed not later than

1 the last day on which nomination papers may be filed.

2 (9) Any person for whom a petition for nomination, or  
3 for committeeman or for delegate or alternate delegate to a  
4 national nominating convention has been filed may cause his  
5 name to be withdrawn by request in writing, signed by him  
6 and duly acknowledged before an officer qualified to take  
7 acknowledgments of deeds, and filed in the principal or  
8 permanent branch office of the State Board of Elections or  
9 with the appropriate election authority or local election  
10 official, not later than the date of certification of  
11 candidates for the consolidated primary or general primary  
12 ballot. No names so withdrawn shall be certified or printed  
13 on the primary ballot. If petitions for nomination have  
14 been filed for the same person with respect to more than  
15 one political party, his name shall not be certified nor  
16 printed on the primary ballot of any party. If petitions  
17 for nomination have been filed for the same person for 2 or  
18 more offices which are incompatible so that the same person  
19 could not serve in more than one of such offices if  
20 elected, that person must withdraw as a candidate for all  
21 but one of such offices within the 5 business days  
22 following the last day for petition filing. A candidate in  
23 a judicial election may file petitions for nomination for  
24 only one vacancy in a subcircuit and only one vacancy in a  
25 circuit in any one filing period, and if petitions for  
26 nomination have been filed for the same person for 2 or



1 more vacancies in the same circuit or subcircuit in the  
2 same filing period, his or her name shall be certified only  
3 for the first vacancy for which the petitions for  
4 nomination were filed. If he fails to withdraw as a  
5 candidate for all but one of such offices within such time  
6 his name shall not be certified, nor printed on the primary  
7 ballot, for any office. For the purpose of the foregoing  
8 provisions, an office in a political party is not  
9 incompatible with any other office.

10 (10) (a) Notwithstanding the provisions of any other  
11 statute, no primary shall be held for an established  
12 political party in any township, municipality, or ward  
13 thereof, where the nomination of such party for every  
14 office to be voted upon by the electors of such township,  
15 municipality, or ward thereof, is uncontested. Whenever a  
16 political party's nomination of candidates is uncontested  
17 as to one or more, but not all, of the offices to be voted  
18 upon by the electors of a township, municipality, or ward  
19 thereof, then a primary shall be held for that party in  
20 such township, municipality, or ward thereof; provided  
21 that the primary ballot shall not include those offices  
22 within such township, municipality, or ward thereof, for  
23 which the nomination is uncontested. For purposes of this  
24 Article, the nomination of an established political party  
25 of a candidate for election to an office shall be deemed to  
26 be uncontested where not more than the number of persons to

1 be nominated have timely filed valid nomination papers  
2 seeking the nomination of such party for election to such  
3 office.

4 (b) Notwithstanding the provisions of any other  
5 statute, no primary election shall be held for an  
6 established political party for any special primary  
7 election called for the purpose of filling a vacancy in the  
8 office of representative in the United States Congress  
9 where the nomination of such political party for said  
10 office is uncontested. For the purposes of this Article,  
11 the nomination of an established political party of a  
12 candidate for election to said office shall be deemed to be  
13 uncontested where not more than the number of persons to be  
14 nominated have timely filed valid nomination papers  
15 seeking the nomination of such established party for  
16 election to said office. This subsection (b) shall not  
17 apply if such primary election is conducted on a regularly  
18 scheduled election day.

19 (c) Notwithstanding the provisions in subparagraph (a)  
20 and (b) of this paragraph (10), whenever a person who has  
21 not timely filed valid nomination papers and who intends to  
22 become a write-in candidate for a political party's  
23 nomination for any office for which the nomination is  
24 uncontested files a written statement or notice of that  
25 intent with the State Board of Elections or the local  
26 election official with whom nomination papers for such

1 office are filed, a primary ballot shall be prepared and a  
2 primary shall be held for that office. Such statement or  
3 notice shall be filed on or before the date established in  
4 this Article for certifying candidates for the primary  
5 ballot. Such statement or notice shall contain (i) the name  
6 and address of the person intending to become a write-in  
7 candidate, (ii) a statement that the person is a qualified  
8 primary elector of the political party from whom the  
9 nomination is sought, (iii) a statement that the person  
10 intends to become a write-in candidate for the party's  
11 nomination, and (iv) the office the person is seeking as a  
12 write-in candidate. An election authority shall have no  
13 duty to conduct a primary and prepare a primary ballot for  
14 any office for which the nomination is uncontested unless a  
15 statement or notice meeting the requirements of this  
16 Section is filed in a timely manner.

17 (11) If multiple sets of nomination papers are filed  
18 for a candidate to the same office, the State Board of  
19 Elections, appropriate election authority or local  
20 election official where the petitions are filed shall  
21 within 2 business days notify the candidate of his or her  
22 multiple petition filings and that the candidate has 3  
23 business days after receipt of the notice to notify the  
24 State Board of Elections, appropriate election authority  
25 or local election official that he or she may cancel prior  
26 sets of petitions. If the candidate notifies the State

1 Board of Elections, appropriate election authority or  
2 local election official, the last set of petitions filed  
3 shall be the only petitions to be considered valid by the  
4 State Board of Elections, election authority or local  
5 election official. If the candidate fails to notify the  
6 State Board of Elections, election authority or local  
7 election official then only the first set of petitions  
8 filed shall be valid and all subsequent petitions shall be  
9 void.

10 (12) All nominating petitions shall be available for  
11 public inspection and shall be preserved for a period of  
12 not less than 6 months.

13 (Source: P.A. 99-221, eff. 7-31-15.)

14 Section 10. The Sanitary District Act of 1917 is amended by  
15 changing Section 3 as follows:

16 (70 ILCS 2405/3) (from Ch. 42, par. 301)

17 Sec. 3. Board of trustees; creation; term. A board of  
18 trustees shall be created, consisting of 5 members in any  
19 sanitary district which includes one or more municipalities  
20 with a population of over 90,000 but less than 500,000  
21 according to the most recent Federal census, and consisting of  
22 3 members in any other district. However, the board of trustees  
23 for the Fox River Water Reclamation District, the Sanitary  
24 District of Decatur, and the Northern Moraine Wastewater

1 Reclamation District shall each consist of 5 members. Each  
2 board of trustees shall be created for the government, control  
3 and management of the affairs and business of each sanitary  
4 district organized under this Act shall be created in the  
5 following manner:

6 (1) If the district's corporate boundaries are located  
7 wholly within a single county, the presiding officer of the  
8 county board, with the advice and consent of the county  
9 board, shall appoint the trustees for the district;

10 (2) If the district's corporate boundaries are located  
11 in more than one county, the members of the General  
12 Assembly whose legislative districts encompass any portion  
13 of the district shall appoint the trustees for the  
14 district.

15 In any sanitary district which shall have a 3 member board  
16 of trustees, within 60 days after the adoption of such act, the  
17 appropriate appointing authority shall appoint three trustees  
18 not more than 2 of whom shall be from one incorporated city,  
19 town or village in districts in which are included 2 or more  
20 incorporated cities, towns or villages, or parts of 2 or more  
21 incorporated cities, towns or villages, who shall hold their  
22 office respectively for 1, 2 and 3 years, from the first Monday  
23 of May next after their appointment and until their successors  
24 are appointed and have qualified, and thereafter on or before  
25 the second Monday in April of each year the appropriate  
26 appointing authority shall appoint one trustee whose term shall

1 be for 3 years commencing the first Monday in May of the year  
2 in which he is appointed. The length of the term of the first  
3 trustees shall be determined by lot at their first meeting.

4 In the case of any sanitary district created after January  
5 1, 1978 in which a 5 member board of trustees is required, the  
6 appropriate appointing authority shall appoint 5 trustees, one  
7 of whom shall hold office for one year, two of whom shall hold  
8 office for 2 years, and 2 of whom shall hold office for 3 years  
9 from the first Monday of May next after their respective  
10 appointments and until their successors are appointed and have  
11 qualified. Thereafter, on or before the second Monday in April  
12 of each year the appropriate appointing authority shall appoint  
13 one trustee or 2 trustees, as shall be necessary to maintain a  
14 5 member board of trustees, whose terms shall be for 3 years  
15 commencing the first Monday in May of the year in which they  
16 are respectively appointed. The length of the terms of the  
17 first trustees shall be determined by lot at their first  
18 meeting.

19 In any sanitary district created prior to January 1, 1978  
20 in which a 5 member board of trustees is required as of January  
21 1, 1978, the two trustees already serving terms which do not  
22 expire on May 1, 1978 shall continue to hold office for the  
23 remainders of their respective terms, and 3 trustees shall be  
24 appointed by the appropriate appointing authority by April 10,  
25 1978 and shall hold office for terms beginning May 1, 1978. Of  
26 the three new trustees, one shall hold office for 2 years and 2

1 shall hold office for 3 years from May 1, 1978 and until their  
2 successors are appointed and have qualified. Thereafter, on or  
3 before the second Monday in April of each year the appropriate  
4 appointing authority shall appoint one trustee or 2 trustees,  
5 as shall be necessary to maintain a 5 member board of trustees,  
6 whose terms shall be for 3 years commencing the first Monday in  
7 May of the year in which they are respectively appointed. The  
8 lengths of the terms of the trustees who are to hold office  
9 beginning May 1, 1978 shall be determined by lot at their first  
10 meeting after May 1, 1978.

11 No more than 3 members of a 5 member board of trustees may  
12 be of the same political party; except that in any sanitary  
13 district which otherwise meets the requirements of this Section  
14 and which lies within 4 counties of the State of Illinois or,  
15 prior to April 30, 2008, in the Fox River Water Reclamation  
16 District; the appointments of the 5 members of the board of  
17 trustees shall be made without regard to political party.  
18 Beginning with the appointments made on April 30, 2008, all  
19 appointments to the board of trustees of the Fox River Water  
20 Reclamation District shall be made so that no more than 3 of  
21 the 5 members are from the same political party.

22 Beginning with the 2019 municipal election, the board of  
23 trustees of the Fox River Water Reclamation District shall be  
24 elected. The election of trustees shall be in accordance with  
25 Section 2A-1.1 of the Election Code. Any current board members  
26 whose terms do not expire in 2019 shall serve out the remainder

1 of their term. The board of trustees shall consist of 5 elected  
2 members. The trustees shall be elected for staggered terms at  
3 the election as provided by the general election law. Two  
4 trustees shall be elected at the 2019 election, and 3 trustees  
5 shall be elected at the following election. Elected trustees  
6 shall take office on the first Tuesday after the first Monday  
7 in the month following the month of their election and shall  
8 hold their offices for 4 years and until their successors are  
9 elected and qualified. In all elections for trustees, each  
10 elector may vote for as many candidates as there are trustees  
11 to be elected, but no elector may give to the candidates more  
12 than one vote. When a vacancy exists on the board of trustees  
13 of the Fox River Water Reclamation District, the vacancy shall  
14 be filled by appointment by the president of the board of  
15 trustees, with the advice and consent of the members of the  
16 board of trustees, until the next regular election at which  
17 trustees of the district are elected, and shall be made a  
18 matter of record in the office of the county clerk in the  
19 county where the district is located. For a vacancy filled by  
20 appointment, the portion of the unexpired term remaining after  
21 the next regular election at which trustees of the district are  
22 elected shall be filled by election, as provided for in this  
23 paragraph.

24       Within 60 days after the release of Federal census  
25 statistics showing that a sanitary district having a 3 member  
26 board of trustees contains one or more municipalities with a



1 population over 90,000 but less than 500,000, or, for the  
2 Northern Moraine Wastewater Reclamation District, within 60  
3 days after the effective date of this amendatory Act of the  
4 95th General Assembly, the appropriate appointing authority  
5 shall appoint 2 additional trustees to the board of trustees,  
6 one to hold office for 2 years and one to hold office for 3  
7 years from the first Monday of May next after their appointment  
8 and until their successors are appointed and have qualified.  
9 The lengths of the terms of these two additional members shall  
10 be determined by lot at the first meeting of the board of  
11 trustees held after the additional members take office. The  
12 three trustees already holding office in the sanitary district  
13 shall continue to hold office for the remainders of their  
14 respective terms. Thereafter, on or before the second Monday in  
15 April of each year the appropriate appointing authority shall  
16 appoint one trustee or 2 trustees, as shall be necessary to  
17 maintain a 5 member board of trustees, whose terms shall be for  
18 3 years commencing the first Monday in May of the year in which  
19 they are respectively appointed.

20 If any sanitary district having a 5 member board of  
21 trustees shall cease to contain one or more municipalities with  
22 a population over 90,000 but less than 500,000 according to the  
23 most recent Federal census, then, for so long as that sanitary  
24 district does not contain one or more such municipalities, on  
25 or before the second Monday in April of each year the  
26 appropriate appointing authority shall appoint one trustee

1 whose term shall be for 3 years commencing the first Monday in  
2 May of the year in which he is appointed. In districts which  
3 include 2 or more incorporated cities, towns, or villages, or  
4 parts of 2 or more incorporated cities, towns, or villages, all  
5 of the trustees shall not be from one incorporated city, town  
6 or village.

7 If a vacancy occurs on any board of trustees, the  
8 appropriate appointing authority shall within 60 days appoint a  
9 trustee who shall hold office for the remainder of the vacated  
10 term.

11 The appointing authority shall require each of the trustees  
12 to enter into bond, with security to be approved by the  
13 appointing authority, in such sum as the appointing authority  
14 may determine.

15 A majority of the board of trustees shall constitute a  
16 quorum but a smaller number may adjourn from day to day. No  
17 trustee or employee of such district shall be directly or  
18 indirectly interested in any contract, work or business of the  
19 district, or the sale of any article, the expense, price or  
20 consideration of which is paid by such district; nor in the  
21 purchase of any real estate or property belonging to the  
22 district, or which shall be sold for taxes or assessments, or  
23 by virtue of legal process at the suit of the district.  
24 Provided, that nothing herein shall be construed as prohibiting  
25 the appointment or selection of any person as trustee or  
26 employee whose only interest in the district is as owner of

1 real estate in the district or of contributing to the payment  
2 of taxes levied by the district. The trustees shall have the  
3 power to provide and adopt a corporate seal for the district.

4 Notwithstanding any other provision in this Section, in any  
5 sanitary district created prior to the effective date of this  
6 amendatory Act of 1985, in which a five member board of  
7 trustees has been appointed and which currently includes one or  
8 more municipalities with a population of over 90,000 but less  
9 than 500,000, the board of trustees shall consist of five  
10 members.

11 Except as otherwise provided for vacancies, in the event  
12 that the appropriate appointing authority fails to appoint a  
13 trustee under this Section, the appropriate appointing  
14 authority shall reconvene and appoint a successor on or before  
15 July 1 of that year.

16 (Source: P.A. 98-407, eff. 1-1-14; 98-828, eff. 8-1-14.)

17 Section 99. Effective date. This Act takes effect upon  
18 becoming law.